

### REMARKS/ARGUMENTS

Claims 1, 4-7, 9-12, 15-18, 20-25, 27-29, and 32-39 are pending in the present application. Claims 1, 4-7, 9-12, 15-18, 20-25, 27-29, and 32-39 are rejected in the present non-final action. Claim 24 is amended to correct a previous inadvertent typographical error. Reconsideration and allowance of the application is requested in view of the remarks submitted herewith.

#### *Rejections under 35 U.S.C. 103*

Claims 1,4-7,9-12, 15-18,20-25,27-29, and 32-39 are rejected under 35 U.S.C.103(a) as being unpatentable over Ahmad et al., U.S. Patent Application Publication No. 2002/0082029 (hereinafter "Ahmad") in view of Garg et al., U.S. Patent Application Publication No. 2004/0136505 (hereinafter "Garg"). The rejection is respectfully traversed.

According to claim 1, an exemplary method can be recited as follows:

"A method of wireless communications, comprising:

establishing a packet data session from a wireless communications device to support a network connection to a packet-switched network;

transmitting a registration request, from the wireless communications device, over the packet data session to a voice message server to enable the wireless communications device to receive a notification from the voice message server of an incoming call from a circuit-switched network, the registration request including connection information identifying the wireless communications device; and

receiving the notification, in the wireless communications device identified by the connection information, from the voice message server while the network connection to the packet-switched network is active."

In making the rejection, the Examiner asserts that Ahmad teaches, for example, transmitting a registration request from the wireless communication device over the packet data session to a voice message server to enable the receipt of a notification of an incoming circuit switched call. The Examiner further asserts that Ahmad teaches that the request includes connection information. To support the assertion, inter alia, paragraph [0043] is cited as allegedly teaching the element.

A review of paragraph [0043] and the Examiner's own admission reveals that MSC 308 transmits voice call setup signals with connection information. Such a configuration can be distinguished from the claims, which call for the wireless communication device to transmit the connection information in the registration request.

The Examiner further admits, and applicants agree, that Ahmad fails to teach that the wireless communication device receives a notification from a voice message server. In an attempt to address this deficiency in Ahmad, Garg is put forth as allegedly teaching receiving a notification from a voice message server. In particular, paragraph [0003] of Garg is put forth as allegedly teaching a voice message server that forwards the claimed notification of an incoming call from a circuit switched network while the network connection to the packet-switched network is active.

Garg is directed to providing notifications of *previously recorded messages* in conventional publicly switched telephone networks. Garg fails to teach or suggest providing a notification of an incoming call from a circuit switched network while a network connection to a packet switched network is active. Rather, with reference to paragraph [0030], Garg, at best, describes that when a subscriber is accessing a message system (on a voice channel) from the subscriber's CPE, an incoming call will trigger an "on-hook" status for the message check call, whereupon the incoming call will be routed to the CPE *without notification*.

Garg uses the call waiting mechanism, not to provide a notification, but only to monitor and detect the incoming call and then to interrupt and drop an active call to retrieve messages. In this sense, Garg *teaches away* from providing any notification while another connection is active. Instead, Garg essentially "hangs up" on the other call, which, in connection with the present application, would be a disadvantageous result, assuming that Ahmad could be modified in view of Garg to arrive at the claimed method, which applicants vigorously contend it cannot.

The Examiner has further failed to provide any reasons or explanation of how one of ordinary skill could use Garg to modify Ahmed, with its deficiencies as admitted by the Examiner, and with the deficiencies as additionally noted above, to arrive at the claimed invention. Notwithstanding the additional deficiencies in Ahmed, Applicants

contend that one of ordinary skill in the art would not and could not look to Garg to find a basis for modification.

In view of the deficiencies of Ahmad and Garg, and in view of the teaching away in Garg as noted above, it is respectfully submitted that a *prima facie* case of obviousness has not properly been established in that the applied art combination fails to teach or suggest all the claimed features as required and that Garg teaches away from the invention.

It is respectfully requested therefore, that the rejection be reconsidered and withdrawn. While the above remarks are made with exemplary reference to independent claim 1, the other independent claims, e.g. claim 12, 23, 24, 29, and 34-36 contain similar elements and are therefore allowable for at least the same reasons set forth herein above.

Dependent claims 4-7, 9-11, 15-18, 20-22, 25, 27-28, 32, 33, and 37-39, are allowable based on depending directly or indirectly from the independent claims noted above and may contain additional features which render them independently allowable.


#### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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